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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,207	01/05/2001	Tao Chen	PA010098	5300
23696 7590 04/20/2007 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			EXAMINER NGUYEN, TU X	
			ART UNIT 2618	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			NOTIFICATION DATE	
3 MONTHS			04/20/2007	
			DELIVERY MODE ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary

Application No.

09/755,207

Applicant(s)

CHEN ET AL.

Examiner

Tu X Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3/21/07.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION***Response to Arguments***

Applicant's arguments filed 3/8/07 have been fully considered but they are not persuasive.

In response to Applicant argument " The Ramakrishna patent does not disclose or suggest transmitting pilot strength measurements messages at first and second transmit levels determined by the mobile terminal, wherein a mobile terminal's transmit power is not controlled by a base station during call recovery. Instead, the Ramakrishna patent teaches the mobile, when it detects a new pilot, sending a pilot strength measurement message (PSMM) to a network via the base station with which it is currently communicating. See, column 1, lines 60-66. Typical of normal current communications with a base station in an IS95 standard cellular network is the mobile station's transmit power being controlled by the base station". The Examiner disagrees, in the column, Ramakrishna does not describe the mobile station's transmit power being controlled by the base station. Instead, the mobile station detects a new pilot signal and it will send a PSMM to the network.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 8-9, are rejected under 35 U.S.C. 103(e) as being unpatentable by Ramakrishna et al. (US Patent 6,233,455).

Regarding claim 1, Ramakrishna et al. disclose a method for call recovery wherein a mobile terminal's transmit power is not controlled by a base station call recovery, comprising:

transmitting a pilot strength measurement message from a mobile terminal at a first transmit power level (fig.2B, element 252, see col.5 lines 60-64);

waiting a predetermined time period during which call recovery is not completed (see col.2 lines 21-28 and lines 44-64), the mobile receives plurality signals from multiple base stations are in period of handoff process corresponds to "the call recovery is not completed); and

transmitting the pilot strength measurement message at a second transmit power level determined by the mobile terminal, wherein the second transmit power level is greater than the first transmit power level (see fig.2B, element 254).

Regarding claim 2, Ramakrishna et al. disclose the second transmit power level is a maximum transmit power level (see fig.4A, element 404).

Regarding claim 3, Ramakrishna et al. disclose a computer program stored on a computer readable medium operative to perform the method of claim 1 (see col.8 lines 1-14).

Regarding claim 8, Ramakrishna et al. disclose a mobile terminal apparatus, comprising:

an antenna (see fig.1, element 104);

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a processor coupled to the antenna (see col.8 lines 1-14, a mobile telephone is inherently included a processor to function in a form of a computer readable medium);

transmit circuitry coupled to the antenna and the processor (see fig.1, element 104, transmit circuitry is inherent in a two-way mobile phone) , and a first set of computer-readable instructions executable by the process (see col.8 lines 1-14) to increment transmit power of a pilot strength measurement message from the mobile terminal during call recovery (see col.2 lines 21-64) wherein a mobile terminal's transmit power is not controlled by a base station call recovery, further instructions to transmit a pilot strength measurement message from the mobile terminal at a first transmit power level determined by the mobile terminal (see col.8 lines 1-14); after waiting the predetermined time period during which call recovery is not completed (see col.2 lines 21-28 and lines 46-64, the mobile receives plurality signals from multiple base stations are in period of handoff process corresponds to "the call recovery is not completed), further instructions to transmit the pilot strength measurement message from the mobile terminal at a second transmit power level determined by the mobile terminal, wherein the second transmit power level is greater than the first transmit power level (see fig.2B, element 254)

Regarding claim 9, Ramakrishna et al. disclose a second set of computer readable instructions executable by the processor to maintain the transmit power below a maximum power level (see col.5 lines 55-66).

Claims 4-7 are rejected under 35 U.S.C. 103(e) as being unpatentable by Ramakrishna et al. (US Patent 6,233,455) in view of Sunay et al. (US Patent 5,940,743).

Regarding claim 4, Ramakrishna et al. disclose a method comprising:

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initiating a call recover from a mobile terminal (see col.1 lines 40-49) wherein a mobile terminal's transmit power is not controlled by a base station call recovery (see col.1 lines 60-64);

transmitting a pilot strength measurement message from the mobile terminal at a first transmit power level determined by the mobile terminal which determined by the mobile terminal is less than a maximum transmit power level (see fig.2B, element 252); and

incrementing a transmit power level from the mobile terminal prior to receiving a hand-off direction message (see fig.2B, element 254)

Ramakrishna et al. fail to disclose "and completion of the call recovery".

In the related art, a method and apparatus can reduce the potential for dropped calls, Sunay et al. disclose "and completion of the call recovery" (see col.11 lines 49-50). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ramakrishna et al. with the above teaching of Sunay et al. in order to provide continued process of open or closed loop power control after completion of handoff.

Regarding claim 5, the modified Ramakrishna et al. disclose transmitting a pilot strength measurement message at each transmit power level (see Ramakrishna, col.2 lines 21-28).

Regarding claim 6, the modified Ramakrishna et al. disclose the pilot strength measurement messages are transmitted at predetermined time intervals (see Ramakrishna, col.2 lines 21-28 and lines 46-64).

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Claim 7 is rejected under 35 U.S.C. 103(e) as being unpatentable by Ramakrishna et al. (US Patent 6,233,455) in view of Sunay et al. (US Patent 5,940,743) further in view of Kim et al. (US Patent 6,563,807).

Regarding claim 7, the modified Ramakrishna et al. fail to disclose the pilot strength measurement message includes a preamble.

In the related art, an inter-frequency handoff execution method, Kim et al. disclose the pilot strength measurement message includes a preamble (see col.7 lines 35-36). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Ramakrishna et al. with the above teaching of Kim et al. in order to provide the base station having the reverse frequency band to execute a reverse synchronization.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



April 11, 2007



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